

Appl. No. 09/601,479
Amdt. dated July 16, 2004
Reply to Office Action of February 25, 2004

REMARKS

Claims 11-13 are allowed. In this Amendment, claims 1, 2, 3 and 4 have been amended, new claims 31-47 have been added. Accordingly, after entry of this Amendment, claims 1-13 and 31-47 are pending in this case and, Claims 11-13 are allowed. Support for the changes may be found in the claims as originally filed.

Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 1-10 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention because the claims recite "the phrase 'or stereoisomers, or pharmaceutically acceptable salts, esters or amides thereof' in claim 1-4". This rejection is respectfully traversed.

The terms objected to by the examiner are well known and widely used by persons skilled in the art and further are described in the specification on page 42, lines 7-26. Applicants respectfully submit that in light of the specific structures of the presently claimed compounds, the ordinarily skilled artisan can readily determine the positions(s) for attachment of these functional groups.

The Examiner also notes that the "Markush choices are in plurals." Claims 1-4 have been amended so that the terms are in the singular.

The Examiner has also rejected Claim 1, asserting that the recitation of "aldehyde, ketone, acid, ester, urea, nitrile, amine, amide etc. as is or part of alkyl group as recited [sic] in claim 1, definition of L, R₁ and R₂ renders the claim indefinite." The term acid is defined as C(=O)OH in the specification, page 42, line 3. For clarity the term acid in the definition of L in the claims has been amended to read C(=O)OH. Ketone is defined in the specification on page 42, lines 4-6 as C(=O)alkyl, C(=O)cycloalkyl, C(=O)cycloalkylalkyl, C(=O)aryl, C(=O)arylalkyl, C(=O)heteroaryl and C(=O)heteroarylalkyl. The definition of L in Claim 1, as filed, included by name all but the last two of these. Claim 1, for the definition of L, has been amended to replace the term "ketone" with "C(=O)heteroaryl, C(=O)heteroarylalkyl." The term "ketone" also appears in the definition of R₂. Claim 1 has also been amended to replace the term "ketone"

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with the definition as given in the specification. Support for these amendments is found, as explained above, in the specification as filed. In order to expedite allowance of the claims, the terms aldehyde, ester, urea, nitrile, amine and amide, Nalkylacid, alkylamine, alkylamide, alkylketone, alkylacid, alkylester, alkylurea, Nalkylamide, Nalkylester and nitrile have been deleted from the definitions of L, R₁ and R₂.

In view of these amendments and remarks, withdrawal of the rejections under 35 U.S.C. §112, second paragraph, and allowance of Claims 1-10 is respectfully requested.

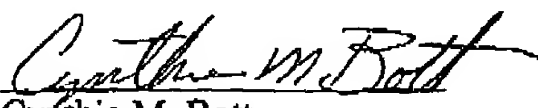
Rejoinder of claims

Applicants thank the Examiner for his offer, in the office action mailed July 11, 2002, to rejoin claims 14-30 provided that Applicants limit claim 14 to treatment and delete prophylaxis. Claims 14-30 were inadvertently cancelled in the last response. A new claim 31 has been added that corresponds to claim 14 amended per the Examiner's suggestion to delete the term prophylaxis. Claims 15-30 have been re-instated as new claims 32-47. New claims 31-47 are method of use or composition claims which depend from the compound claims, 1-13. Because Applicants believe that Claims 1-13 are now all in condition for allowance, Applicants request that the Examiner join claims 31-47 and allow them in the present case as provided by MPEP §821.04.

It is respectfully submitted that the claims have been put in condition for allowance. Notification to this affect is earnestly solicited. The Examiner is encouraged to contact the Applicants' undersigned attorney to discuss this matter if any questions should arise upon further examination of the pending claims.

Respectfully submitted,

7-16-04
Date


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